

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MEGAHN ANNE MORGAN,

**Plaintiff,**

V.

THE SECRETARY OF THE  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES, THE CHIEF  
EXECUTIVE OFFICER OF  
WESTERN STATE HOSPITAL,  
JOHN DOES 1 - 10

### Defendants.

NO.

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

**(CLERK'S ACTION REQUIRED**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE** that Defendants, hereby remove to this court the state court action described below.

1. This case concerns and alleges a violation of civil rights under 42 U.S.C. § 1983, as well as possible state law claims. Defendants, upon information and belief, are employees of the State of Washington. The complaint has not been answered by Defendants.

2. On September 25, 2018, a complaint was filed in the Superior Court of Washington for Pierce County, Case No. 18-2-11647-9 entitled MEGAHN ANNE MORGAN, Plaintiff v. THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH

SERVICES, THE CHIEF EXECUTIVE OFFICER OF WESTERN STATE HOSPITAL,  
JOHN DOES 1 - 10, Defendants.

3. This complaint was served upon the State Defendants on November 2, 2018. This notice of removal is being filed within 30 days of receipt of service of the complaint alleging an action under 42 U.S.C. § 1983 against the named Defendants.

## INTRADISTRICT ASSIGNMENT

4. Under 28 U.S.C. § 1331 and § 1343, the United States District Courts “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

5. Plaintiff alleges that her Fourth Amendment rights were violated by Defendants.

6. This is a civil action of which this court has original jurisdiction under 28 U.S.C. § 1331 and § 1343, and is one which may be removed to this court by defendant(s) pursuant to 28 U.S.C. § 1441(b) in that it is a civil action founded on a claim or right arising under federal law. The district court also has supplemental jurisdiction over any state claim pursuant to 28 U.S.C. § 1337. An Eleventh Amendment bar as to supplemental claims does not divest the federal court of jurisdiction over claims arising under federal law. *Wisconsin Dept. of Corrections v. Schacht*, 524 U.S. 381, 118 S. Ct. 2047, 141 L. Ed. 2d 364 (1998).

7. Venue in the Western District is appropriate as Plaintiff allegedly resides in Pierce County, Washington. In addition, Defendants, the Secretary of the Department of Social and Health Services and the Chief Executive Officer of Western State Hospital are located in Thurston County and Pierce County, respectively, within the Western District.

## RESERVES AND IMMUNITY

8. Defendants reserve all rights and defenses, including Eleventh Amendment immunity, and this notice is made without waiving Washington State's sovereign immunity or any other defenses it may have in response to this lawsuit.

## SUPPORTING DOCUMENTS

9. In compliance with 28 U.S.C. § 1446(a) and LCR 101(b), the Defendants will file copies of all process, pleadings and orders served upon it in this case within the fourteen (14) day deadline and with the appropriate verification of authenticity.

DATED this 14th day of November, 2018.

**ROBERT W. FERGUSON**  
Attorney General

*/s/ Matthew N. Thomas*  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of November, 2018, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kent W. Underwood  
Law Office of Kent W. Underwood, P.S.  
705 South 9th Street, Suite 205  
Tacoma, WA 98405  
[kent@underwoodlaw.us](mailto:kent@underwoodlaw.us)

DATED this 14th day of November, 2018.

**ROBERT W. FERGUSON**  
**Attorney General**

*/s/ Matthew N. Thomas*  
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